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AMENDED IN ASSEMBLY APRIL 7, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2229

Introduced by Assembly Member Brownley

February 18, 2010

An act to amend Section 18961.5 of, and to add and repeal Section 18961.7 of, the Welfare and Institutions Code, relating to child abuse reporting.

LEGISLATIVE COUNSEL'S DIGEST

AB 2229, as amended, Brownley. Mandated child abuse reporting.

Existing law authorizes members of a multidisciplinary personnel team engaged in the prevention, identification, and treatment of child abuse to disclose and exchange information and writings to and with one another relating to any incidents of child abuse that may also be a part of a juvenile court record or otherwise designated as confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the prevention, identification, or treatment of child abuse. Under existing law, all discussions relative to the disclosure or exchange of this information during team meetings are confidential and testimony concerning those discussions is not admissible in any criminal, civil, or juvenile court

proceeding. A multidisciplinary personnel team is defined for purposes of this provision to mean any team of 3 or more persons who are trained in the prevention, identification, and treatment of child abuse, as specified.

This bill would, until January 1, 2014, additionally authorize the disclosure and exchange of information to occur telephonically and electronically, for 30 days, or longer if documented good cause exists, following a report of suspected child abuse or neglect, if there is adequate verification of the identity of the multidisciplinary personnel who are involved in that disclosure or exchange of information. The bill would revise the definition of a multidisciplinary personnel team for purposes of this provision to mean any team of 2 or more persons created to investigate a report of suspected child abuse, as specified, who are trained in the prevention, identification, and treatment of child abuse, as specified. The bill would require that the sharing of information permitted in the period following a report of suspected child abuse or neglect be governed by ~~memoranda of understanding among participating provider agencies, as defined, that prescribe the types of information that may be shared and the process to ensure that specified confidentiality requirements are met~~ *protocols developed in each county describing how and what information may be shared to ensure that confidential information is not disclosed in violation of state or federal law.*

Existing law provides that a county may establish a computerized data base system within that county to allow provider agencies to share identifying information regarding families at risk for child abuse or neglect, for the purpose of forming multidisciplinary personnel teams for the prevention, identification, management, or treatment of child abuse. A multidisciplinary personnel team is defined for purposes of this provision to mean any team of 3 or more persons who are trained in the prevention, identification, and treatment of child abuse, as specified.

This bill would revise the definition of multidisciplinary personnel teams for purposes of this provision to additionally include any team of 2 or more persons who are trained in the prevention, identification, management, or treatment of child abuse, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18961.5 of the Welfare and Institutions
2 Code is amended to read:

3 18961.5. (a) Notwithstanding any other provision of law, any
4 county may establish a computerized database system within that
5 county to allow provider agencies, as defined in subdivision (h),
6 to share identifying information, as specified in subdivision (c),
7 regarding families at risk for child abuse or neglect, for the purpose
8 of forming multidisciplinary personnel teams, as defined in either
9 subdivision (d) of Section 18951 or paragraph (2) of subdivision
10 (b) of Section 18961.7, for the prevention, identification,
11 management, or treatment of child abuse.

12 (b) Each county shall develop its own standards for defining
13 “at risk” before joining this system. Only information about
14 children or the families of children at risk for child abuse or neglect
15 may be entered into a computerized database system established
16 pursuant to this section.

17 (c) With regard to a case in which a child or family has been
18 identified as at risk for child abuse or neglect under this section,
19 only the following information shall be entered into the system:

20 (1) The name, address, telephone number, and date and place
21 of birth of family members.

22 (2) The number assigned to the case by each provider agency.

23 (3) The name and telephone number of each employee assigned
24 to the case from each provider agency.

25 (4) The date or dates of contact between each provider agency
26 and a family member or family members.

27 (d) The information may only be entered into the system by, or
28 disclosed to, provider agency employees designated by the director
29 of each participating provider agency. Members of the
30 multidisciplinary personnel teams shall be drawn from these
31 designated employees, or other persons, as specified in Section
32 18961. The heads of provider agencies shall establish a system by
33 which unauthorized personnel cannot access the data contained in
34 the system.

35 (e) The information obtained pursuant to this section shall be
36 kept confidential and shall be used solely for the prevention,
37 identification, management, or treatment of child abuse, child
38 neglect, or both.

(f) This section shall not supplant any duties required by the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 3 of the Penal Code).

(g) No employee of a provider agency which serves children and their families shall be civilly or criminally liable for furnishing or sharing information as authorized by this section.

(h) For the purposes of this section, “provider agency” means any governmental or other agency which has as one of its purposes the prevention, identification, management, or treatment of child abuse or neglect. The provider agencies serving children and their families which may share information under this section shall include, but not be limited to, the following entities or service agencies:

- (1) Social services.
- (2) Children’s services.
- (3) Health services.
- (4) Mental health services.
- (5) Probation.
- (6) Law enforcement.
- (7) Schools.

SEC. 2. Section 18961.7 is added to the Welfare and Institutions Code, to read:

18961.7. (a) Notwithstanding any other provision of law, a county may establish a child abuse multidisciplinary personnel team within that county to allow provider agencies to share confidential information in order for provider agencies to investigate reports of suspected child abuse or neglect made pursuant to Section 11160, 11166, or 11166.05 of the Penal Code, or for the purpose of child welfare agencies making a detention determination.

(b) For the purposes of this section, the following terms shall have the following meanings:

(1) “Child abuse multidisciplinary personnel team” means any team of two or more persons who are trained in the prevention, identification, or treatment of child abuse and neglect cases and who are qualified to provide a broad range of services related to child abuse. The team may include, but shall not be limited to:

(A) Psychiatrists, psychologists, marriage and family therapists, or other trained counseling personnel.

1 (B) Police officers or other law enforcement agents.

2 (C) Medical personnel with sufficient training to provide health
3 services.

4 (D) Social services workers with experience or training in child
5 abuse prevention.

6 (E) Any public or private school teacher, administrative officer,
7 supervisor of child welfare attendance, or certified pupil personnel
8 employee.

9 (2) "Provider agency" means any governmental or other agency
10 that has as one of its purposes the prevention, identification,
11 management, or treatment of child abuse or neglect. The provider
12 agencies serving children and their families that may share
13 information under this section shall include, but not be limited to,
14 the following entities or service agencies:

15 (A) Social services.

16 (B) Children's services.

17 (C) Health services.

18 (D) Mental health services.

19 (E) Probation.

20 (F) Law enforcement.

21 (G) Schools.

22 (c) (1) Notwithstanding Section 827 of the Welfare and
23 Institutions Code or any other provision of law, during a 30-day
24 period, or longer if documented good cause exists, following a
25 report of suspected child abuse or neglect, members of a child
26 abuse multidisciplinary personnel team engaged in the prevention,
27 identification, and treatment of child abuse may disclose to and
28 exchange with one another information and writings that relate to
29 any incident of child abuse that may also be designated as
30 confidential under state law if the member of the team having that
31 information or writing reasonably believes it is generally relevant
32 to the prevention, identification, or treatment of child abuse. Any
33 discussion relative to the disclosure or exchange of the information
34 or writings during a team meeting is confidential and,
35 notwithstanding any other provision of law, testimony concerning
36 that discussion is not admissible in any criminal, civil, or juvenile
37 court proceeding.

38 (2) Disclosure and exchange of information pursuant to this
39 section may occur telephonically and electronically if there is
40 adequate verification of the identity of the child abuse

1 multidisciplinary personnel who are involved in that disclosure or
2 exchange of information.

3 (3) Disclosure and exchange of information pursuant to this
4 section shall not be made to anyone other than members of the
5 child abuse multidisciplinary personnel team, and those qualified
6 to receive information as set forth in subdivision (d).

7 (d) The child abuse multidisciplinary personnel team may
8 designate persons qualified pursuant to paragraph (1) of subdivision
9 (b) to be a member of the team for a particular case. A person
10 designated as a team member pursuant to this subdivision may
11 receive and disclose relevant information and records, subject to
12 the confidentiality provisions of subdivision (f).

13 ~~(e) The sharing of information permitted under subdivision (c)~~
14 ~~shall be governed by memoranda of understanding among the~~
15 ~~participating service providers or provider agencies. These~~
16 ~~memoranda shall specify the types of information that may be~~
17 ~~shared, and the process to be used to ensure that current~~
18 ~~confidentiality requirements, as described in subdivision (f), are~~
19 ~~met.~~

20 *(e) The sharing of information permitted under subdivision (c)*
21 *shall be governed by protocols developed in each county describing*
22 *how and what information may be shared by the child abuse*
23 *multidisciplinary team to ensure that confidential information*
24 *gathered by the team is not disclosed in violation of state or federal*
25 *law. A copy of the protocols shall be distributed to each*
26 *participating agency and to persons in those agencies who*
27 *participate in the child abuse multidisciplinary team.*

28 (f) Every member of the child abuse multidisciplinary personnel
29 team who receives information or records regarding children and
30 families in his or her capacity as a member of the team shall be
31 under the same privacy and confidentiality obligations and subject
32 to the same confidentiality penalties as the person disclosing or
33 providing the information or records. The information or records
34 obtained shall be maintained in a manner that ensures the maximum
35 protection of privacy and confidentiality rights.

36 (g) This section shall not be construed to restrict guarantees of
37 confidentiality provided under state or federal law.

38 (h) Information and records communicated or provided to the
39 team members by all providers and agencies, as well as information
40 and records created in the course of a child abuse or neglect

1 investigation, shall be deemed private and confidential and shall
2 be protected from discovery and disclosure by all applicable
3 statutory and common law protections. Existing civil and criminal
4 penalties shall apply to the inappropriate disclosure of information
5 held by the team members.

6 (i) This section shall remain in effect only until January 1, 2014,
7 and as of that date is repealed.

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